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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/788,311 | 02/15/2001 | Lawrence D. Hartsook | 22253-05099 | 7055 |
| 758 | 7590 | 08/21/2006 | EXAMINER | |
| FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 | | | KINDRED, ALFORD W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2163 | |

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,311

Applicant(s)

HARTSOOK ET AL.

Examiner

Alford W. Kindred

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This action is responsive to communications: Amendment, filed on 5/31/06.

This action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al., US# 2002/0133412 A1, in view of Lincke et al., US# 20030197719 A1, and further in view of Kobayashi et al., US# 7,089,249.

As per claims 1 and 13, Oliver et al. teaches "identifying a symbol in the data in the markup language, the symbol indicating a query of a data set" (see page 13, paragraphs [0307] and [0315]) "accessing the data set in order to generate a resolution to the query" (see page 15, paragraphs [0345]-[0349]). Oliver et al. does not explicitly teach "dynamically rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language." Lincke et al. teaches "dynamically rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language" (see paragraph [0094]-[0095], wherein Lincke's dynamic query element includes the implementation of a markup language in a fashion illustrative of applicant's claim

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language). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Oliver and Lincke, because using the steps of “dynamically rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language” would have given those skilled in the art the ability to provide multiple results of querying in a markup language environment. This gives users the advantage of receiving accurate results from a query more expeditiously by receiving data that is dynamically generated. Oliver et al. does not explicitly teach “wherein said symbol can be used to render multiple data sets.” Kobayashi et al teaches “wherein said symbol can be used to render multiple data sets” (see col. 9, lines 52-67). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Oliver and Kobayashi above, because using the steps of “wherein said symbol can be used to render multiple data sets”, would have given those skilled in the art the tools to include various data in the form of symbol. This gives users the advantage rendering markup language more efficiently.

As per claims 2 and 14, Oliver et al. teaches “a delimited token” (see pages 5-6, paragraphs [0114]-[0120]).

As per claims 3-4, Oliver et al. teaches “the symbol is located within the data in the markup language such that the query is associated with a markup language tag” (see page 11, paragraph [0275]).

As per claim 5, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Oliver et al. teaches "at least one rule associated with the markup language tag with which the query is associated" (see page 15, paragraphs [0346]-[0350]).

As per claims 6-7 and 15, Oliver et al. teaches "a set of at least one document in a hierarchically structured format" (see page 14, paragraphs [0319]-[0322], whereas Oliver's XML illustrates a hierarchically structured format in a fashion similarly to applicant's claim language).

As per claims 8, 12, 16, and 18 Oliver et al. teaches "the symbol conforms an Extensible Markup Language standard concerning queries" (see page 14, paragraph [0319]).

As per claim 9, Oliver et al. teaches "a database" (see page 7, paragraphs [0155]-[0160]).

As per claim 10, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Oliver et al. teaches "a browser" (see page 10, paragraphs [0242]-[0246]).

As per claim 11, Oliver et al. teaches "rendering is performed by software running on a hand held computing device" (see page 7, paragraphs [0161]-[0163], whereas Oliver's Clickshare combined with a TV with a remote and C-programming language, teaches applicant's claim language above).

As per claim 17, Oliver et al. teaches "updating the data set" (see page 7, paragraph [0147] and page 15, paragraph [0349]).

As per claims 19-23, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1, 5, 12, and 18 respectively and are similarly rejected.

As per claims 24-27, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-3, 12 and 22 respectively and are similarly rejected.

Response to Arguments

4. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

--As per applicant's argument regarding "static methods have several shortcomings . . . dynamic . . .", examiner does not find the dynamic element in the body of the claim, although it is in the preamble. Examiner has given little weight to the dynamic element in the preamble and thus the rejection of record is maintained. Further, Oliver's static method also includes a dynamic element when matching and rendering reads on applicant claim language.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

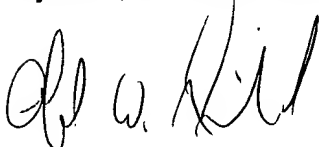
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is positioned above the printed name.

Alford W. Kindred
Patent Examiner
Tech Ctr. 2100